

ORDINANCE _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA, AMENDING THE CITY CHARTER, SECTION 3.04(b) HOLDING OTHER OFFICE BY ELIMINATING SAID SECTION

WHEREAS, by Ordinance 276, adopted November 19, 2020, effective April 1, 2021 the City Charter was amended, and the new revised Charter was adopted; and,

WHEREAS, City Charter Section 3.04 (b) is part of the new revised City Charter and reads as follows; and

SECTION 3.04. PUBLIC ETHICS AND PROHIBITIONS.

(a) Public Ethics. The Mayor shall openly, competently, and impartially conduct public business to the highest ethical standards and in strict compliance with West Virginia law. If found by competent Court or Commission to have acted in violation of the West Virginia Governmental Ethics Act, the Open Governmental Proceedings Act, the Freedom of Information Act, or the United States, West Virginia or City of Elkins Criminal Code, the Mayor may be subject to sanction by Council, including forfeiture of office as authorized by this Charter and West Virginia law.

(b) Holding Other Office. During term of office, the Mayor shall hold no other elected public office nor be employed by the City in any other capacity.

WHEREAS, a request by the Mayor had been made to the Rules and Ordinance Committee to eliminate this particular section of the Charter which said request was referred to the Common Council ; and

WHEREAS, by Resolution 1689, the Common Council authorized the city clerk and the city attorney to initiate the process for a change to the Elkins City Charter under the provisions of West Virginia Code § 8-4-8: and

NOW THEREFORE, be it Ordained and Enacted by the Common Council of Elkins, West Virginia, that the City Charter be amended by eliminating the prohibition in City Charter Section 3.04(b) against the Mayor holding any other elected public office during term of office as Mayor of Elkins. All other provisions of the City Charter, including the prohibition in City Charter Section 3.04(b) against the Mayor being employed by the City in any other capacity during term of office as Mayor of Elkins, shall remain in full force and effect as adopted on November 19, 2020, and as further amended at the 2021 Elkins Municipal Election.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON FIRST READING _____, 2023.

**PASSED AND APPROVED ON SECOND AND FINAL READING THE ____
DAY OF _____, 2023.**

CITY OF ELKINS, WEST VIRGINIA

Jerry A. Marco, Mayor

Attest:

Date: _____

Sutton R. Stokes, City Clerk

Date: _____